

Mississippi Secretary of State

700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Julie McLeMore	TELEPHONE NUMBER (601)359-1100	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL Julie@mdac.ms.gov	SUBMIT DATE 7/9/2013	Name or number of rule(s): Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 8, Sections 103, 105, & 106 Petroleum Products Inspection Law Regs		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The reason for the amendment to 103 is due to the duplication of the word biodiesel in both subsections. The rule adopts HB 130 which was the current tolerance for water in tanks but adds that subsequent changes to HB 130 are included. Section 105 allows for administrative service of process by mail. Section 106 provides that where multiple products of the same octane, particularly ethanol blends and ethanol free are advertised and offered for sale then both prices or the higher price must be advertised. The reason for this rule is due to repeated consumer complaints that signs are misleading because when they pull into the station and access the octane dispenser that is ethanol free the price is higher than what they saw on the sign that caused them to pull in.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-55-3 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Sections 103, 105, & 106

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Brosser, Deputy Commissioner

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
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Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME MS Department of Agriculture	CONTACT PERSON Julie McLemore		TELEPHONE NUMBER 601-359-1154
ADDRESS P.O. Box 1609	CITY Jackson	STATE Ms	ZIP 39215-1609
EMAIL Julie@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Petroleum Products Inspection Rules		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. 75-55-3		Reference to Rules repealed, amended or suspended by the Proposed Rule: Amended Sections 103, 105, 106	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
The benefit that results is that the consumer is able to identify the exact price of the product from the roadside when such price is advertised.
2. Briefly describe the need for the proposed rule: The Department has received consumer complaints that stations who sell multiple products of the same grade only advertise the lower price and when they pull into the station they are finding the price to be higher. This is the reason for 106. Section 103 is a housekeeping change. Section 105 provides for administrative service or process.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The effect of the rule will allow the consumer to make an informed decision on whether to pull into a station based on clear and concise prices it sees on the sign.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
6. Estimated impact on small businesses:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: 2,911
- b. Projected costs for small businesses to comply: N/A
- c. Statement of probable effect on impacted small businesses: The cost will be nothing if the small business chooses to post the higher of the two prices. If a small business selling Regular 87 Octane both ethanol free and containing ethanol does not want to post only the higher price of the two then there may be a cost to add signage. Flip signs for one of the prices could be added at an estimated cost of \$110.00 for one product price to \$886.00 for eight product prices.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ substantially less than ☐ moderately less than ☐ minimally less than
- ☒ the same as ☐ minimally more than ☐ moderately more than
- ☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ substantially less than ☐ moderately less than ☐ minimally less than
- ☐ the same as ☐ minimally more than ☐ moderately more than
- ☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods


1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
- ☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Called the United Sign Company and obtained an estimated price for flip signs and additional signage costs.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Interested parties may submit written comments on the rule to the contact above. The Department will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after filing of the notice of the proposed rule.

SIGNATURE		TITLE	Deputy Commissioner
DATE	7/9/13	PROPOSED EFFECTIVE DATE OF RULE	September 3, 2013